

REMARKS

Claims 1-22 remain pending in this application. In the Office Action of September 30, 2005, claims 1-22 have been rejected. Applicant responds and traverses the rejections as follows.

Response to Claim Rejections Under 35 U.S.C. § 103(a)

Claims 1-10, 14-17 and 22

Claims 1-10, 14-17 and 22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 3,976,317 issued to Collier (hereafter "Collier") in view of U.S. Patent No. 2,124,970 issued to Bagley (hereafter "Bagley"). In light of the following remarks, Applicant respectfully traverses this rejection and requests reconsideration and withdrawal of the rejection.

To establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a), three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. MPEP § 2143. Applicant respectfully submits that the Office Action does not satisfy these criteria and therefore does not establish a *prima facie* case of obviousness.

Claim 1 is directed to an adjustable door guide latch slot assembly for aligning a slidable door latch with a fixed door guide. The assembly includes a striker plate having a latch opening therein and a door guide adapted to retain a door therein such that the door can move slidably along a length of the guide when the door is retained in the channel. The guide includes an inner surface and an opening therein, with the opening being larger than the striker plate latch opening. The striker plate may be adjustably affixed directly to the door guide inner surface so that the striker plate latch opening aligns with the slidable door latch.

There is no suggestion or motivation to combine the teachings of Collier and Bagley to achieve the claimed invention. *See* MPEP § 2143.01. As the Examiner notes, Collier does not disclose a door guide adapted to retain a door therein "such that the door can move slidably along a length of the guide when the door is retained in the guide" as recited in claim 1. This is

because Collier is directed to a different problem than that to which Bagley and Applicants' invention are directed. Specifically, Collier is directed to security hardware for traditional sliding glass door and window installations that have a strike plate located on the jamb of the door or window. Nothing in Collier suggests the desirability of locating the strike plate in a guide channel within which the door or window slides. To the contrary, Collier merely reflects the accepted wisdom that a strike plate for a sliding glass door or window should be located in the jamb. If anything, therefore, Collier teaches away from locating the strike plate in a guide channel within which the door slides.

The Examiner suggests that it would have been obvious to combine the teachings of Collier and Bagley because the Examiner contends that it is well known to use a "similar" latch mechanism with a rolling door. Applicant respectfully disagrees. As the Manual of Patent Examining Procedure recognizes, an assertion that modifications of the prior art would have been "well within the ordinary skill of the art at the time the claimed invention was made" is not sufficient to establish a *prima facie* case of obviousness without some objective reason to combine the teachings of the references. MPEP § 2143.01. The Office Action, however, does not specifically set forth such an objective reason to combine the teachings of Collier and Bagley. Instead, not only do the cited references fail to explicitly provide a suggestion or motivation for such a combination, but they teach away from such a combination.

The Examiner seems to suggest that, simply because both references disclose latch strike plates, that is enough for a finding of obviousness. Again, Applicant respectfully disagrees. The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. MPEP § 2143.01. As discussed above, however, nothing in the prior art suggests the desirability of the asserted combination. Merely because both references show a strike plate and the Collier strike plate arguably could be modified for use on the garage door of Bagley is not enough to show obviousness.

Because there is no suggestion or motivation to combine the teachings of Collier and Bagley to achieve the door guide latch slot assembly of claim 1, that claim is patentable over

those references. Claims 2-10 depend from and include all of the features of claim 1. For at least the reasons set forth above with respect to claim 1, therefore, Applicant also respectfully submits that the door latch guide assembly of claims 2-10 is patentable over Collier and Bagley.

Likewise, because there is no suggestion or motivation to combine the teachings of Collier and Bagley, the door guide latch assembly of claims 14 and 15-17 is patentable over those references.

Even if it were proper to combine Collier and Bagley, Applicant respectfully suggests that that combination would not teach or suggest all the claim limitations of claims 2, 3, 14 and 15. For example, the combination would not teach or suggest "a recessed area on the door guide inner surface" as recited in those claims. To the contrary, as shown in FIG. 4 of Collier, the inner surface 23 of the door jamb appears to be flat. Likewise the inner surface of the door guide frame 23 shown in FIG. 14 of Bagley is flat.

Claims 11-13 and 18-21

Claims 11-13 and 18-21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Collier in view of Bagley and further in view of U.S. Patent No. 5,757,269 issued to Roth, et al. (hereafter "Roth"). In light of the foregoing and following remarks, Applicant respectfully requests reconsideration and withdrawal of this rejection.

Each of claims 11-13 depends from and includes all of the features of claim 1. As discussed above, these claims are directed to an adjustable door guide latch slot assembly that includes a striker plate that may be adjustably affixed directly to the inner surface of the door guide in which the door is retained and can slidably move. In contrast, Roth discloses a closure latch or bolt monitoring device mountable in a door jamb. As with Collier, nothing in Roth suggests the desirability of locating the strike plate in a guide within which a door slides. For reasons similar to those discussed above, Applicant respectfully contends that Roth also fails to provide any suggestion or motivation to combine the teachings of the cited references to achieve the door guide latch slot assembly of claims 11-13. For at least those reasons, therefore, Applicant respectfully submits that claims 11-13 also are patentable over the combination of Collier, Bagley and Roth.

Claim 18 depends from and includes all of the features of claim 14. For the reasons discussed above, Applicant respectfully contends that there is no suggestion or motivation to combine the teachings of Collier, Bagley and Roth to achieve the door guide latch slot assembly of claim 18. Applicant respectfully submits, therefore, that claim 18 also is patentable over the combination of Collier, Bagley and Roth.

Also for the reasons discussed above, Applicant contends that there is no suggestion or motivation to combine the teachings of Collier, Bagley and Roth to achieve the door guide latch slot assembly of claim 19. Each of claims 20 and 21 depends from and includes all of the features of claim 19. Applicant respectfully submits, therefore, that claims 19, 20 and 21 are patentable over the combination of Collier, Bagley and Roth.

Conclusion

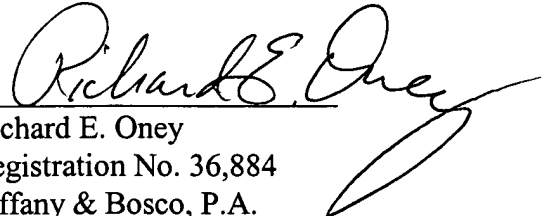
All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal

Response to Office Action dated September 30, 2005
US Patent Application No. 10/055,757

communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Dated: March 30, 2006

Respectfully submitted,

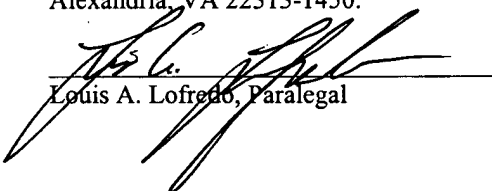


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Louis A. Lofredo, Paralegal

3-30-06
Date of Signature